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Chair: Mr. Gunnarsson ..... (Iceland)

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The meeting was called to order at 10.15 a.m.

Agenda item 27: Social development (*continued*)

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/72/L.13/Rev.1)

Draft resolution A/C.3/72/L.13/Rev.1: Follow-up to the Second World Assembly on Ageing

1. **Mr. Khane** (Secretary of the Committee) said that, pursuant to paragraph 52 of the draft resolution, the General Assembly would request the Secretary-General to continue to provide all necessary support to the Open-ended Working Group, within existing resources, for the organization of its ninth working session, in 2018, and to include the annual sessions of the Working Group in the Organization's calendar of conferences and meetings. Interpretation services would be provided during the ninth working session on an "if available" basis. The annual sessions of the Working Group would be included in the calendar of conferences and meetings, with a footnote indicating that conference services would be provided on an "if available" basis. Accordingly, the draft resolution had no programme budget implications.

2. **Mr. García Paz y Miño** (Ecuador), speaking on behalf of the Group of 77 and China, introduced the draft resolution, which was intended to build on the achievements of previous years, in particular regarding follow-up and implementation of the Madrid International Plan of Action on Ageing and advancing the promotion and protection of the human rights of older persons. With regard to paragraph 52, it was regrettable that consensus had not been reached regarding the provision of conference services, including interpretation, for the annual sessions of the Working Group. The provision of such services on an "as available" basis during the Working Group's two previous sessions had seriously hampered fruitful dialogue and interaction.

3. Introducing an oral revision, he said that an additional preambular paragraph should be inserted after the thirteenth preambular paragraph. The additional paragraph should read "Recognizing that the systematic review of the implementation of the Madrid International Plan of Action on Ageing by Member States at the national, regional and international levels is essential for its success in improving the quality of life of older persons and promoting the development of a society for all ages, and underlining in this regard the coordinating role of the Commission for Social Development in this process and acknowledging the ongoing work under the third five-year review and appraisal cycle of the Madrid International Plan of Action on Ageing, and looking forward to its results, which will be assessed at the fifty-sixth session of the Commission for Social Development in 2018".

4. **Mr. Khane** (Secretary of the Committee) said that Austria, Canada, Croatia, Italy, Malta, Monaco, Portugal, the Republic of Korea, San Marino, Serbia, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors.

5. *Draft resolution A/C.3/72/L.13/Rev.1, as orally revised, was adopted.*

6. **Ms. Phipps** (United States of America), noting that the current statement applied to all resolutions of the Third Committee on which the United States joined consensus, including those it sponsored, said that General Assembly resolutions, and many of the outcome documents referenced therein, including the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda, were non-binding documents that did not give rise to rights or obligations under international law or financial commitments. Her delegation welcomed the fact that the 2030 Agenda emphasized the importance of shared national responsibility. However, each State must be able to implement the 2030 Agenda in accordance with its own national policies and development priorities.

7. Pursuant to General Assembly resolution 70/1, implementation of the 2030 Agenda must support, and be without prejudice to, the independent mandates of other processes. The 2030 Agenda did not set a precedent for decisions and actions under way in other forums. It was not a commitment to provide new market access for goods or services, nor did it alter any agreements or decisions of the World Trade Organization, including the Agreement on Trade-Related Aspects of Intellectual Property Rights.

8. Much of the trade-related language in the Addis Ababa Action Agenda had been overtaken by events since its adoption and was immaterial. Accordingly, its reaffirmation had no standing in ongoing trade negotiations. Her delegation also had concerns about the language related to the Paris Agreement contained in many of the draft resolutions before the Committee. The United States intended to withdraw from the Paris Agreement as soon as possible, unless terms were identified that would be more favourable to American businesses, workers and taxpayers. Her Government was committed to addressing climate change in a manner that lowered emissions while supporting economic growth and improving energy security.

9. Her delegation's understanding was that General Assembly resolutions did not change the current state of conventional or customary international law. The adoption of resolutions by the Committee did not imply that States must join or implement obligations under international instruments to which they were not a party. The United States understood abbreviated references to certain human rights to be shorthand for the accurate terms used in the applicable international treaty and maintained its longstanding position on those rights. Any reaffirmation of prior documents, including treaties or conventions, applied only to those States that had affirmed or ratified them initially. Lastly, the act of welcoming a report did not signify acceptance of all the assertions, conclusions or recommendations contained therein.

Agenda item 68: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

Draft resolution A/C.3/72/L.19/Rev.1: The girl child

10. **The Chair** said that the draft resolution had no programme budget implications.

11. **Ms. Shikongo** (Namibia), speaking on behalf of the Southern African Development Community, introduced the draft resolution. The resolution focused on the right to education and the barriers preventing girls from accessing equitable and quality education. It addressed socioeconomic concerns, gender stereotypes, negative social norms, reproductive health care and sanitation, and school-related gender-based violence. Introducing an oral revision to paragraph 11 of the draft resolution, she said that the words "with appropriate direction and guidance from parents and legal guardians," should be inserted after "consistent with their evolving capacities,".

12. **Mr. González Serafini** (Argentina), speaking on a point of order, called for the meeting to be suspended for 15 minutes, in accordance with rule 118 of the rules of procedure of the General Assembly, to allow delegations to review the revision made by the representative of Namibia on behalf of the Southern African Development Community.

13. *At the request of the representative of Yemen, a recorded vote was taken on the motion to suspend the meeting.*

In favour:

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Netherlands New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

Cambodia, China, Djibouti, Egypt, Gabon, Gambia, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Libya, Mali, Nauru, Nicaragua, Niger, Nigeria, Oman, Russian Federation, Rwanda, Saudi Arabia, Sudan, Syrian Arab Republic, Uganda, Yemen.

Abstaining:

Algeria, Belarus, Bhutan, Iraq, Jamaica, Kazakhstan, Kuwait, Malaysia, Maldives, Mauritania, Morocco, Nepal, Pakistan, Qatar, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan, Uzbekistan, Viet Nam.

14. *The motion to suspend the meeting was approved by 103 votes to 25, with 21 abstentions.*

15. *The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.*

16. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Andorra, Australia, Austria, Bahamas, Belgium, Belize, Benin, Bolivia (the Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, Eritrea, Estonia, Finland, France, Gambia, Germany, Greece, Guatemala, Guinea-Bissau, Guinea, Haiti, Honduras, Hungary, Ireland, Israel, Italy, Japan,

Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Monaco, Montenegro, Morocco, Netherlands, Norway, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, San Marino, Sao Tome and Principe, Serbia, Sierra Leone, Slovenia, Spain, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) had joined the sponsors.

17. **Mr. González Serafini** (Argentina) said that his delegation wished to withdraw its sponsorship of the draft resolution because it had not been consulted on the oral revision presented by the representative of Namibia.

18. **Mr. Khane** (Secretary of the Committee) said that, in addition to Argentina, Albania, Andorra, Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Japan, Liechtenstein, Lithuania, Luxemburg, Malta, Monaco, Montenegro, Netherlands, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay had withdrawn their sponsorship of the draft resolution as orally revised. Belarus, Burundi, Cameroon, Central African Republic, Congo, Côte d'Ivoire, Djibouti, Egypt, Gabon, Haiti, Libya, Mali, Nicaragua, Niger, Rwanda, South Sudan, Syrian Arab Republic and Yemen had joined the sponsors.

19. **Mr. González Serafini** (Argentina) said that paragraph 11 was highly problematic, a fact which had been expressed in several informal negotiations. The revision of the paragraph had been included at a late stage and without consulting the other sponsors of the draft resolution in its revised form, A/C.3/72/L.19/Rev.1. His delegation would therefore like to present an oral revision to the orally revised paragraph to revert to the formulation of the paragraph as reflected in A/C.3/72/L.19/Rev.1. That document contained agreed language that had been adopted by the General Assembly by consensus in several other draft resolutions, and included references to education for children and young persons.

20. **Ms. Shikongo** (Namibia) said that as one of the main sponsors, her delegation would prefer the text as she had orally revised it earlier. In light of the current circumstances, her delegation called for a vote on the revision proposed by the delegation of Argentina.

21. **Mr. Nanga** (Gabon) said that the African Group recognized the role and guidance of parents and legal guardians as being paramount to the well-being of the child, and therefore called on all African and other like-minded States to support the oral revision proposed by the representative of Namibia on behalf of the Southern African Development Community.

22. **Ms. Morton** (Australia) said that although her delegation had diligently engaged in the negotiations on the text of the draft resolution, it was extremely disappointed about the last-minute revision made to paragraph 11, and thanked the delegation of Argentina for its effort to revert to the originally agreed language, which was well established, including by such documents as the Political Declaration on HIV and AIDS: On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030. She encouraged States to vote in favour of the Argentinian request.

23. **Mr. Ríos Sánchez** (Mexico), speaking in explanation of vote, said that his delegation would vote in favour of the oral revision proposed by the representative of Argentina. The original wording of the draft resolution was acceptable to all delegations.

24. **Mr. Jelinski** (Canada) said that his delegation had engaged constructively during the negotiations on the draft resolution, and was disappointed to see an oral revision proposed in the meeting room. The phrasing of paragraph 11 had been agreed in the 2016 Political Declaration on HIV and AIDS and other draft resolutions, and it was hard to understand what some delegations considered to be unacceptable about it. Canada would vote in support of the Argentinian oral revision to revert to the original and balanced, albeit compromise, text, and encouraged other delegations to do the same.

25. **Mr. De Souza Monteiro** (Brazil) said that his delegation would vote in favour of the Argentinian proposal, on the understanding that it was important to retain the agreements made during the negotiations. It was also surprised at the proposal to amend the draft resolution, and called on other States to support the Argentinian proposal.

26. **Ms. Mozolina** (Russian Federation) said that it was difficult to understand why some delegations had reacted so strongly to the amendment proposed by the representative of Namibia which had brought the draft resolution into line with the national practices of most countries. Delegations would do well to remember that

language used in treaty documents was not immutable and static. In its new wording, paragraph 11 reflected the norms of international law and the agreed language of the Political Declaration on HIV/AIDS. Her delegation would vote against the amendment proposed by the representative of Argentina.

27. **Mr. Al-Kumaim** (Yemen) said that his delegation rejected the revision for two reasons. The first had to do with the importance of family and parents in the life of the girl child, especially at an early age. Secondly, if the revision were to pass, the draft resolution would then be subject to a vote under rule 130 of the rules of procedure of the Committee. Therefore it would be preferable to keep to the original draft resolution so as to maintain consensus and avoid a vote on the draft resolution as a whole.

28. **Ms. Abdelkawy** (Egypt) said that her country believed that the oral amendment proposed by the delegation of Namibia rebalanced the resolution. The original wording of the resolution did not reference an important principle contained in the Convention on the Rights of the Child, namely parental control of children. Egypt rejected the attempts of certain countries to impose their educational systems on others and therefore would vote against the amendment proposed by Argentina.

29. *A recorded vote was taken on the Argentine oral revision to draft resolution A/C.3/72/L.19/Rev.1.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

Against:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Myanmar, Namibia, Nauru, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Sudan, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Yemen, Zambia, Zimbabwe.

Abstaining:

Kazakhstan, Liberia, Malaysia, Maldives, Morocco, Nepal, Solomon Islands, Timor-Leste, Tuvalu, Uzbekistan, Viet Nam.

30. *The Argentine oral revision was rejected by 73 votes to 84, with 11 abstentions.*

31. **Mr. Qassem Agha** (Syrian Arab Republic) said that the delegations were to be congratulated for voting against the amendment and regretted that certain delegations had tried to politicize the issue. The amendment proposed by Namibia was in keeping with the various cultures of the countries present. The relationship between mother and child in certain cultures was respected and crucial to an integrated and successful society. Syria welcomed the rejection of the amendment proposed by Argentina and was pleased to see agreement among the delegations.

32. **Ms. Tasuja** (Estonia), speaking on behalf of the European Union and its member States, said that her delegation supported the text overall, but was disappointed by the revision to paragraph 11 that had just been made by the main sponsors of the draft resolution. The issue of comprehensive education for young people was critical for their development and that of society. All young people deserved to learn about their rights, their bodies and how to stay safe and healthy throughout their lives. Therefore her delegation did not see that paragraph, as amended, as a basis for consensus.

33. **Ms. Cupellini** (Italy) said that her delegation was grateful to the main sponsor of the draft resolution, but

was disappointed by the last-minute change to paragraph 11. It supported the revision put forward by the delegation of Argentina, but was now compelled to withdraw its sponsorship.

34. **Mr. Khane** (Secretary of the Committee) announced that the delegations of Bulgaria, Hungary, Italy, Malta, Paraguay, Peru, the Philippines, Poland, Portugal, and Republic of Moldova had withdrawn their sponsorship of draft resolution A/C.3/72/L.19/Rev.1.

35. **The Chair** invited the Committee to take action on draft resolution A/C.3/72/L.19/Rev.1, as orally revised.

36. **Mr. Torbergsen** (Norway), speaking also on behalf of Australia, Canada, Iceland, Liechtenstein, New Zealand and Switzerland, said that the delegations were extremely disappointed by the oral revision to paragraph 11 proposed by the Southern African Development Community as the main sponsor. The other sponsors had withdrawn their sponsorship because they did not agree with the revision. The original language had been carefully drafted and agreed upon in several other texts on which consensus had been reached, including the 2016 Political Declaration on HIV and AIDS. Equal access to comprehensive sexuality education was vital to ensure that all people were able to grow and learn in safety and health, equipped with the confidence required to achieve and excel in any field. It was well established that evidence-based programmes including gender equality were more effective and enabled individuals, especially adolescent girls and boys and young women and men, to make informed decisions freely and autonomously on sexual and reproductive health.

37. *Draft resolution A/C.3/72/L.19/Rev.1, as orally revised, was adopted.*

38. **Ms. Phipps** (United States of America) said that in addressing trafficking and slavery-like practices in paragraph 15 of the draft resolution, it was important to include commercial sexual exploitation in the list along with forced and bonded labour.

39. The wording "trafficking and forced migration" in paragraph 23 seemed to imply movement. However, the crime of trafficking in persons as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime was not based on movement.

40. The United States was firmly committed to providing equal access to education and the importance of fostering safe, supportive school environments and positive school climates, including preventing and addressing violence directed against girls. Her delegation understood that when the draft resolution called on States to strengthen various aspects of education, such as curriculum, programs and training, it would be done in terms as appropriate and consistent with the respective federal, state and local authorities.

41. Her delegation also understood that the provisions of the draft resolution and others adopted by the Committee did not change the current state of conventional or customary international law, nor did they imply that States must become parties to instruments to which they were not a party or implement obligations under such instruments. As provided for in the International Covenant on Economic, Social and Cultural Rights, each State party undertook to take the steps set out in article 2(1) "with a view to achieving progressively the full realization of the rights." Her delegation interpreted references to the obligations of States as applicable only to the extent that they had assumed such obligations, and with respect to the States parties to the Covenant, in light of its article 2(1). Any reaffirmation of prior documents in the current draft resolution and other draft resolutions applied only to those States that had reaffirmed them initially.

42. Her delegation understood the reference to education in the areas of sexual and reproductive health in the twentieth preambular paragraph to refer to age-appropriate education as determined by parents or legal guardians. Therefore it had voted against the revision proposed by the representative of Argentina.

43. Finally, her delegation also understood paragraph 18 to call on States to work to ensure that marriage was entered into only with the informed, free and full consent of the intending spouses. Moreover, it understood that when the draft resolution called on States to enact and enforce laws concerning the minimum age of consent and marriage, it was done in terms consistent with the respective federal and state authorities.

44. **Mr. Ríos Sánchez** (Mexico) said that the General Assembly should be a forum for advancing human rights and promoting the universality of the 2030 Agenda for Sustainable Development. Consequently, Mexico disapproved of the proposed amendment, which had been championed on the basis of the context of certain specific countries, as it weakened the draft resolution and undermined the achievement of Sustainable Development Goal 5, the Convention on the Elimination of All Forms of Discrimination against Women and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices. By

amending the paragraph, Member States would imply that they to some extent tolerated violence against girls. In line with its commitment to gender equality, Mexico would therefore depart from its traditional position by not sponsoring the draft resolution and disassociating itself from paragraph 11.

45. **Mr. Herrmann** (Observer for the Holy See) said that the dignity of children, including girls, must be respected, defended and addressed without being diverted by ideological disputes, or the desire to impose a set of values that undermined consensus and the pressing needs of girls, who were the only ones to suffer from their politicization.

46. The role of parents in the lives of their children could not be replaced, undermined or misunderstood as undermining the rights of the child or their independence. Instead, parents guaranteed the rights and well-being of the child, who was dependent on the family for his or her growth and maturity. That was the ideal, even if some families and parents failed.

47. The family and parents deserved the full support of the State and society to fulfil that fundamental role which was a fact independent of language or subjective interpretation. It should be the goal in all draft resolutions concerning children, with full respect for their rights, needs and dignity.

48. The language that had been amended was highly contested and was the result of a compromise made in the specific context of the Political Declaration on HIV and AIDS and was accompanied by a strong paragraph on State sovereignty. A compromise certainly could have been reached if delegations had taken the time to address the issues in the particular context of the girl child.

49. His delegation strongly believed that consensus could have been reached during the current session on the specific issues, without being threatened with a vote, amendment or the loss of sponsorship. Many delegations had made great efforts to that end, and many had been taken by surprise at the unfortunate result.

50. The delegation of the Holy See wished to make two reservations on the concepts employed in the draft resolution. Firstly, it considered "sexual and reproductive health" as well as "sexual and reproductive health-care services" as applying to a holistic concept of health, and did not consider abortion, access to abortion, or access to abortifacients as a dimension of those terms. Secondly, on the issue of education and information on sexuality, his delegation reiterated the primary responsibility and the prior rights of parents, including their right to religious freedom, in the education and upbringing of their children, as enshrined, inter alia, in the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

51. **Mr. González Serafini** (Argentina) said that his delegation had been actively involved in the informal consultations on the draft resolution and had joined consensus, in line with its principled position on all draft resolutions. The practice of seeking consensus through last-minute votes and oral amendments to texts which had already been agreed by consensus during negotiations was of great concern. His delegation therefore wished to disassociate itself from paragraph 11 because it was different from the consensus text.

52. **Ms. Silvera Flores** (Uruguay) said that her delegation also wished to disassociate itself from paragraph 11.

Agenda item 69: Rights of indigenous peoples (*continued*)

(a) Rights of indigenous peoples (*continued*) (A/C.3/72/L.16/Rev.1)

Draft resolution A/C.3/72/L.16/Rev.1: Rights of indigenous peoples

53. **The Chair** said that the draft resolution had no programme budget implications.

54. **Ms. Carrasco Alurralde** (Plurinational State of Bolivia), introducing the draft resolution, said that indigenous peoples and nations were the moral compass of humanity. She hoped that the draft resolution would result in structural changes that strengthened indigenous peoples' rights. She exhorted Member States to recognize and respect the precolonial existence and ancestral lands of indigenous peoples, and to redouble efforts to protect, promote and uphold the rights of all indigenous peoples worldwide.

55. She read out oral revisions to six paragraphs of the draft resolution. In the seventh preambular paragraph, the word "convening" should be replaced with "organization", the word "its" should be replaced with "the" and the words "of the General Assembly" should be inserted after "seventy-first session". In the ninth preambular paragraph, the word "noting" should be replaced by "taking note". In paragraph 1, the words "of the Human Rights Council" should be deleted. Paragraph 9 should be divided into two paragraphs, with the first paragraph ending with the words "from within existing resources" and the second paragraph starting with the words "encourages Member States". In paragraph 19, "on Indigenous Issues" should be inserted after "Permanent Forum" and "on sustainable development" after "high-level political forum". In

paragraph 28, the word "General" should be inserted before "Assembly" and the word "recalls" should be deleted.

56. **Mr. Khane** (Secretary of the Committee) said that Australia, Austria, Brazil, Canada, Costa Rica, Cyprus, Dominican Republic, Estonia, Germany, Haiti, Iceland, Ireland, Italy, Lithuania, Malaysia, Mexico, New Zealand, Norway, Panama, Peru, Slovenia, South Africa, Sweden and Ukraine had joined the sponsors.

57. *Draft resolution A/C.3/72/L.16/Rev.1, as orally revised, was adopted.*

58. **Ms. Medcalf** (United Kingdom of Great Britain and Northern Ireland) said that her Government was fully committed to promoting and protecting human rights for all individuals, including indigenous people, without discrimination on any grounds. It recognized that indigenous individuals were entitled to their human rights and fundamental freedoms under international law.

59. Given that the principles of equality and universality underpinned human rights, her Government did not accept that some groups in society should benefit from human rights not available to others. With the exception of the right to self-determination, the United Kingdom did not accept the concept of collective human rights in international law. Her delegation considered that long-standing and well-established position to be important in ensuring that individuals within groups were not left vulnerable or unprotected by allowing the human rights of the group to supersede those of the individual.

60. That position was without prejudice to the United Kingdom's recognition of the fact that the Governments of many States with indigenous populations had granted them various collective rights in their constitutions, national laws and agreements. Her delegation welcomed the fact that that had served to strengthen the political and economic position of, and protections for, indigenous peoples in those States.

61. Therefore, the Government of the United Kingdom understood any internationally agreed reference to the rights of indigenous peoples, including those in the United Nations Declaration on the Rights of Indigenous Peoples, to refer to the rights bestowed at the national level by Governments to indigenous peoples and according to the stated position on human rights and collective rights.

62. **Mr. Dang** (France), speaking also on behalf of Bulgaria, Romania and Slovakia, said that his Government was fully engaged in the promotion and protection of the rights of all individuals. Persons belonging to indigenous groups were often victims of discrimination and violations of human rights and fundamental freedoms because of their affiliation. Those persons must enjoy the same rights and freedoms as any other individuals in full respect for the principles of the equality and universality of human rights.

63. Human rights were individual rights. His Government did not recognize collective rights of any groups defined by their origins, culture, language or beliefs, and subscribed to the political and legal traditions of human rights, which were based on individual rights and opposed to all forms of discrimination. It therefore could not accept references in the draft resolution to collective rights of indigenous peoples. It would be preferable to refer to the rights of persons belonging to indigenous groups, in line with commonly recognized human rights principles. France would remain engaged in the promotion and protection of the rights of those persons without discrimination.

64. **Ms. Cranfield** (Canada), speaking also on behalf of Australia, New Zealand and Norway, said that indigenous peoples around the world, and indigenous women in particular, continued to face disproportionately high rates of marginalization and discrimination. Those delegations recognized that their inclusion and participation in matters affecting them were central to the protection of their human rights.

65. Those delegations continued to promote and support the participation of indigenous people in the meetings of relevant United Nations bodies, welcomed General Assembly resolution 71/231, and strongly encouraged Member States to consider measures to enhance that participation in the United Nations system, including through ongoing reporting and consideration during the seventy-fourth and seventy-fifth sessions of the General Assembly.

66. **Ms. Mballa Eyenga** (Cameroon) said that in 2017 the General Assembly had not yet been able to adopt a draft resolution on the participation of indigenous peoples in United Nations bodies on issues that concerned them. That was in large part due to the difficulty of agreeing on a definition of "indigenous people". In Cameroon the Constitution guaranteed the protection and the rights of such peoples, and each ethnic entity was considered to be indigenous to the locality in which it had been settled for decades or even centuries, making all Cameroonians indigenous to their regions of origin. However, the Government was of the view that marginalized populations and sociodemographic minorities, such as the pygmies, deserved special protection.

67. Cameroon had taken many measures to prioritize disadvantaged groups, including initiatives to integrate them into society, improve their access to education and citizenship, and ensure their participation in consultations on matters that concerned them. She called on all States to adopt national measures in order to leave no one behind, as called for in the 2030 Agenda for Sustainable Development.

68. The purpose of the draft resolution that had just been adopted was not to create new rights or to give new mandates to United Nations resident coordinators or country teams. Therefore her delegation dissociated itself from paragraph 5 of the draft resolution. The Government reserved the right to organize consultations with the populations on issues concerning them.

69. **Ms. Phipps** (United States of America) said that her delegation joined the consensus on the draft resolution. The United States reaffirmed its support for the United Nations Declaration on the Rights of Indigenous Peoples. With regard to the references in the draft resolution to the 2030 Agenda, the delegation had addressed its concerns in a detailed statement delivered earlier in the meeting.

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/72/L.43/Rev.1 and A/C.3/72/L.46/Rev.1)

Draft resolution A/C.3/72/L.43/Rev.1: Protection of migrants

70. **The Chair** said that the draft resolution had no programme budget implications.

71. **Mr. Ríos Sánchez** (Mexico) introducing the draft resolution, said that in the two years since the resolution had last been submitted, historic changes had occurred, including the adoption of the New York Declaration for Refugees and Migrants and preparation for the global compact for safe, orderly and regular migration. In view of the upcoming negotiations on the global compact, the Mexican Government had decided to update the text of the draft resolution. The informal consultations in that regard had been open, inclusive and transparent and had resulted in numerous additions to the text on recent achievements, upcoming work and certain priorities important to specific delegations. The final text was chiefly based on language which had always been unanimously adopted by the General Assembly.

72. **Mr. Khane** (Secretary of the Committee) said that Angola, Armenia, Belarus, Belize, Benin, Bolivia (Plurinational State of), Brazil, Burkina Faso, Burundi, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Gambia, Guatemala, Guinea, Haiti, Honduras, Indonesia, Italy, Kyrgyzstan, Mali, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Philippines, Portugal, Senegal, Sierra Leone, Tajikistan, Turkey, Uruguay and Venezuela (Bolivarian Republic of) had joined the sponsors.

73. *Draft resolution A/C.3/72/L.43/Rev.1 was adopted.*

74. **Ms. Phipps** (United States of America) said that the United States was committed to protecting the human rights of all persons in its territory and under its jurisdiction, regardless of their migration status. Nevertheless, as a sovereign State, it had the fundamental right to establish a lawful system of immigration, free from the influence of other States. The draft resolution did not create or affect States' obligations under international law and any commitments made under the draft resolution did not supersede United States law or the Government's authority to act according to its sovereign interests. References in the draft resolution to bilateral issues, such as the cases cited in the eleventh preambular paragraph, were also highly inappropriate.

75. Her delegation disassociated itself from any language in the draft resolution concerning the New York Declaration for Refugees and Migrants. The United States explanation of position on the outcome document for the high-level meeting of the General Assembly was contained in a letter to the Secretary-General dated 29 September 2016 (A/71/415). No language in any draft resolution adopted by the Third Committee should prejudge or prejudice the upcoming negotiations of a global compact for safe, orderly and regular migration.

76. Her delegation also disassociated itself from the language in the twenty-eighth preambular paragraph, which inappropriately suggested that laws that treated irregular migration as a criminal rather than an administrative offence might have the effect of denying migrants the full enjoyment of their human rights and fundamental freedoms. The United States had the right to enforce its own immigration laws, including through criminalization. The paragraph should not express concern about criminal laws, but more broadly about measures that denied migrants the full enjoyment of their human rights and fundamental freedoms.

77. Her delegation disassociated itself from the language in paragraph 4(a), which called on Member

States to pursue alternatives to detention while assessments of migration status were under way. In some instances migrants entering the United States unlawfully must remain in Government custody pending adjudication of their migratory status for safety and national security reasons. That approach was consistent with her country's sovereign right to determine who to admit into its territory.

78. Her delegation disassociated itself from the language in paragraph 4(b), which encouraged States to put in place appropriate systems and procedures to ensure that the best interests of the child were a primary consideration in all actions or decisions concerning migrant children. Her Government drew on a wide range of resources to process migrant children and was committed to ensuring that migrant children were treated in a safe, dignified and secure manner. Its current practice served as an example to other countries. Her delegation did not interpret the draft resolution as implying that States should join human rights or other international instruments to which they were not party or to implement obligations or principles under them, such as the principle of the best interests of the child derived from the Convention on the Rights of the Child.

79. Lastly, her delegation disassociated itself from the language in paragraph 7, which mischaracterized the crime of migrant smuggling. The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime did not prohibit States from criminalizing the acts of migrants who had been smuggled into a country. Member States should distinguish between human smuggling and trafficking in persons. Trafficking in persons was a crime of exploitation, such as involuntary servitude, debt bondage, slavery, commercial sexual exploitation and forced labour. By contrast, migrants who engaged the services of smuggling organizations might be more vulnerable to trafficking, however, they were not inherently considered victims and were not automatically granted protection under United States law unless they met certain criteria. She encouraged States to improve identification of victims of trafficking; provide them with protection and basic services; raise public awareness of the risks involved in migrant smuggling; and enhance international legal and law enforcement cooperation in the investigation and prosecution of criminal groups that facilitated both human trafficking and migrant smuggling.

80. **Mr. Yao** Shaojun (China) said that in line with the New York Declaration for Refugees and Migrants, each country had the right and the responsibility to manage and control its borders and formulate immigration policies according to its own particular circumstances, including taking necessary legal and administrative measures against irregular migrants who were in violation of such policies.

81. The issue of immigration was related to many factors and should be addressed comprehensively and in a coordinated manner. The international community should work to create a favourable environment for regular migration by implementing policies that facilitated safe, orderly and regular migration and expanded the channels for it, while also cooperating to combat irregular forms of migration such as human trafficking and smuggling. All countries should ensure the rights and fundamental freedoms of migrants, eliminate discrimination and xenophobia and assist migrants to integrate into society. At the same tim , immigrants should accept the administration of the destination country, respect local laws and customs and proactively adapt to and integrate with the local society and culture.

82. **Mr. De Souza Monteiro** (Brazil), speaking also on behalf of Argentina, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama, Paraguay, Peru and Uruguay, said that those delegations called for full respect for the human rights and fundamental freedoms of all migrants, regardless of their migratory status. It was a serious concern that some of the commitments of the New York Declaration for Refugees and Migrants had not been properly reflected in the draft resolution because of the opposition of some delegations. The delegations on behalf of whom he was speaking would have liked to see the commitment to consider reviewing policies that criminalized cross-border movements captured in paragraph 4 (a) of the draft resolution. Those delegations strongly believed that detention for the purpose of assessing migration status was never in the best interests of a child, recalled the commitment of Member States to work towards ending that practice, and welcomed its inclusion in paragraph 4 (b).

83. Lastly, bearing in mind the need to promote and protect the human rights and fundamental freedoms of all people, the delegations emphasized that the principle of non-criminalization of irregular migration should be a keystone of common understanding.

84. **Ms. Ali** (Singapore) said that during the course of negotiations on the draft resolution, there had been attempts to selectively cite language from the New York Declaration for Refugees and Migrants, thus undermining the careful balance of interests that had been achieved in the Declaration. In finding durable solutions for large movements of refugees and migrants,

it was important to acknowledge that individual States had different circumstances and capacities, and therefore there was no "one size fits all" approach. Commitments undertaken in the context of the Declaration should take those differences into account, and should also be consistent with the rights and obligations of States under international law.

85. Her delegation wished to register its principled objection to the practice of selectively citing references from the Declaration, in particular to specific commitments, without referring to the balancing language contained in the Declaration.

Draft resolution A/C.3/72/L.46/Rev.1: Protection of and assistance to internally displaced persons

86. **The Chair** said that the draft resolution had no programme budget implications.

87. **Ms. Stener** (Norway) said that the draft resolution sought to set out in clear terms the challenges faced and the vulnerabilities of internally displaced persons and called on States to take steps to address the situation. In light of the concerns about the large and growing number of internally displaced persons and the protracted nature of their displacement, it was important to work together, including with the Special Rapporteur on the human rights of internally displaced persons, to develop solutions. She invited all delegations to support the draft resolution and welcomed further sponsors from all regions.

88. **Mr. Khane** (Secretary of the Committee) said that Armenia, Azerbaijan, Bahamas, Belize, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Chad, Costa Rica, Croatia, Ecuador, Estonia, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Madagascar, Mali, Malta, Montenegro, Niger, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Thailand, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay had joined the sponsors.

89. **Mr. Mohamed** (Sudan) said that the International Criminal Court had been an impediment to peace throughout the period in which his Government had addressed the conflict in Darfur, beginning in 2003. It had taken the United Nations more than six years to acknowledge the dividend of peace that the agreement concluded in 2011 had brought. The interference of the Court had been malignant since its inception in 2002. The Court was destined to create serious conflicts and jeopardize peace and justice, and was a threat to stability in his country, in Africa and other parts of the world. It had been fraught with scandals since the beginning, and, as a member of the United Nations, Sudan had to distance itself from that sham court.

90. His delegation therefore proposed the deletion of the second part of the twenty-sixth preambular paragraph of the draft resolution, from "and recalling the relevant provisions of the Rome Statute of the International Criminal Court" to the end.

91. **Ms. Stener** (Norway) said that during informal consultations her delegation had been unable to accommodate the proposals of the delegation of Sudan and had therefore used the language which had been agreed in all previous draft resolutions since 2011. She called for a vote on the oral amendment proposed by the representative of Sudan.

Statements made in explanation of vote before the voting

92. **Mr. Morales López** (Colombia) speaking also on behalf of Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay, said that the establishment of the International Criminal Court had been a crucial step in the international community's progress towards a world order based on the rule of law. The Court was a vehicle for justice and peace that judged suspected criminals impartially, on the basis of complementarity, and with full respect for their human rights. The language used to describe the International Criminal Court and the Rome Statute in twenty-sixth preambular paragraph was not only objectively accurate but also thematically relevant and thus deserved to be kept in full as part of the agreed text. His delegation would vote against the proposed amendment.

93. **Mr. Bryan** (Canada), speaking also on behalf of Australia, Iceland, Liechtenstein, New Zealand and Switzerland, said that it was deeply disturbing that the twenty-sixth preambular paragraph was being questioned even though it used the same agreed language which the draft resolution had employed since 2011. The references to the Rome Statute and the International Criminal Court in the paragraph implied acknowledgement of efforts taken to ensure accountability and punish perpetrators. The International Criminal Court had a key role to play in ending impunity whenever national courts were unwilling or unable to exercise jurisdiction; the objectives of its investigations and prosecutions were to end impunity for the perpetrators of those crimes and thus to contribute to their prevention. The paragraph did not target any one country, and, as a preambular

paragraph, merely recalled one of the tools available to the international community. He called on all delegations to vote against the proposed amendment.

94. **Ms. Mazolina** (Russian Federation) said that the Russian Federation was committed to the rule of law and to fighting impunity, as demonstrated in its role during the Nuremberg Tribunal and the International Military Tribunal for the Far East. The International Criminal Court had not proven itself a worthy successor of those two bodies for the reasons cited by her delegation many times before. It was difficult to name a single situation in which the Court had helped to stabilize a country, end violence or lessen the plight of a population. Her delegation would vote in favour of the proposed amendment.

95. **Ms. Tasuja** (Estonia), speaking on behalf of the European Union, said that the International Criminal Court was a valuable tool through which the international community fought impunity and contributed to peaceful societies. The continued occurrence of gross violations of international humanitarian law and human rights was a reminder of the Court's relevance. Its role was to complement rather than replace existing national judicial systems, which retained the primary responsibility to investigate and prosecute crimes. A key element in the Rome Statute was its equal application to all persons without any distinction, which had allowed the International Criminal Court to give millions of victims of atrocities hope that justice could be achieved.

96. Given that the fight against impunity for the most serious crimes was a vital element of a fair and just society, the European Union member States regretted that amendments had been proposed to the twenty-sixth preambular paragraph of the draft resolution. They would vote against the proposed amendment and encouraged other States parties to the Rome Statute to do likewise.

97. *At the request of the representative of Norway, a recorded vote was taken on the oral amendment proposed by the representative of Sudan.*

In favour:

Algeria, Belarus, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, India, Iraq, Kenya, Kuwait, Kyrgyzstan, Mauritania, Morocco, Oman, Pakistan, Russian Federation, Rwanda, Saudi Arabia, Sudan, Syrian Arab Republic, Yemen.

Against:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Angola, Bahrain, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Congo, Ethiopia, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, Nepal, Qatar, Singapore, Solomon Islands, South Sudan, Sri Lanka, Suriname, Turkey, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Zambia.

98. *The oral amendment was rejected by 105 votes to 24, with 34 abstentions.*

The meeting rose at 1.10 p.m.